

**THE CORPORATION OF THE COUNTY OF PERTH
BY-LAW NO. 3174-2010**

Being a By-law to establish a policy to govern the calling, place and proceedings of the Council of The Corporation of the County of Perth and to provide public notice of Council Meetings and Committees.

WHEREAS Section 238(2) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, requires every municipality to pass a Procedural By-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238 (2.1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, requires that the Procedural By-law shall provide for public notice of meetings;

AND WHEREAS the Council of The Corporation of the County of Perth deems it expedient to enact a new By-law to govern the calling, place and proceedings of the Council and to provide for public notice of meetings in accordance with the Act.

NOW THEREFORE the Council of The Corporation of the County of Perth hereby enacts as follows:

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1. **SHORT TITLE**

This By-law shall be cited as the 'Procedural By-law'.

2. **DEFINITIONS**

Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this section. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- i. "Act" means The Municipal Act, 2001, S.O. 2001 c. 25 as amended from time to time.
- ii. "Adjourn" means to end the meeting.
- iii. "Acting Warden" means the last sitting Past Warden currently on County Council.
- iv. "Alternate Warden" means the designated Councillor as listed on the Agenda Planner for the year and presiding at the Committee of the Whole.
- v. "Chair" means the Warden or the person presiding at a meeting and who is charged with the responsibility to decide question and Points of Order or practice, preserve order and maintain decorum in the proceedings.
- vi. "CAO" means the Chief Administrative Officer of the Corporation, designated by By-law or the CAO delegated alternate.
- vii. "Clerk" means the Clerk of the Corporation, designated by By-law, or designate.
- viii. "Closed Meeting" means a meeting of Council, Ad Hoc Committee, Advisory Committee, Committee of the Whole of Council, or portion thereof, closed to the public in accordance with Section 239 of the Act, and Section 5.7 of this By-law.
- ix. "Committee" means a group of people who shall be appointed by Council from time to time as per Schedule 'B' of this By-law. The following are types of committees:
 - a) "Ad Hoc Committee" means a special purpose Committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final Report to Council, unless otherwise directed by Council.
 - b) "Advisory Committee" means a Committee to advise on matters which Council has deemed appropriate for the Committee to consider.
 - c) "Committee of the Whole" means all Members of Council of the County of Perth sitting as Committee of the Whole.
 - d) "Land Division Committee" means a Committee appointed under the Planning Act to deal with Consent Applications.

- x. "Confirmatory By-law" means a By-law of Council that adopts all resolutions passed at Council.
- xi. "Consent Agenda" means a grouping of items on Council agenda that require no actions by Council other than receiving for information.
- xii. "Corporation" means The Corporation of the County of Perth.
- xiii. "Correspondence" includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, etc.
- xiv. "Council" means the Council of the Corporation.
- xv. "Councillor" means a person elected or appointed as a Member of Council of the Corporation.
- xvi. "Defer" means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- xvii. "Delegation" means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- xviii. "Ex Officio" means a person being Head of Council and carries with it the right to participate fully in any meeting of Committee established by Council and to vote unless prohibited by law.
- xix. "Head of Council" means the Warden or Acting Warden and who shall preside at all meetings of the Council.
- xx. "Inaugural Meeting" means the first meeting of Council held prior to the First Regular Meeting in December of each year.
- xxi. "Lower Tier" means the Township of Perth East, Township of Perth South, Municipality of North Perth and Municipality of West Perth.
- xxii. "Majority Vote" means more than half of the votes cast by Members entitled to vote.
- xxiii. "Meeting" means any regular, special or other meeting of the Council or Committee.
- xxiv. "Member" means a Councillor of the Corporation.
- xxv. "Minutes" mean a record of the actions taken and decisions made by Members , without note or comment in accordance with Section 239 (7) of the Act.

- xxvi. "Past Warden's Association" means an organization of County Councillors or former County Councillors who have served in the capacity of Warden of the County of Perth.
- xxvii. "Pecuniary Interest" includes a direct or indirect financial interest of a Member or direct family member in accordance with Sections 2 and 3 of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended from time to time.
- xxviii. "Present" means physically in attendance at the meeting.
- xxix. "Presiding Officer" means the person designated to Chair a Council or Committee meeting.
- xxx. "Quorum" means the minimum number of required Members (representing greater than 50% of the membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simply majority.
- xxxi. "Recorded Vote" means the recording of the name and vote of every Member of Council who is present when the vote is called on any matter or question during Council, Committee of the Whole or Committee.
- xxxii. "Refer" means to direct a matter under discussion by Council or Committee to a staff or Committee for further examination and report back.
- xxxiii. "Regular Meeting" means a meeting of Council to carry on business held in accordance with the approved schedule of meetings.
- xxxiv. "Reports" means written documents by municipal employees, Committees, consultants, solicitors or other individuals appointed at the pleasure of Council for the purpose of providing advice, alternatives and/or recommendations on various matters.
- xxxv. "Resolutions" means a formal statement adopted by Council in accordance with these rules.
- xxxvi. "Rules" mean the applicable rules contained in this By-law.
- xxxvii. "Special Meeting" means a meeting called in accordance with Section 240 of the Act.

- xxxviii. "Two-thirds Vote" means at least two-thirds of the votes cast by persons legally qualified to vote at a regular or properly called meeting at which quorum is present.
- xxxix. "Warden" means the person elected as Head of Council of the Corporation. In the absence of the Warden, the 'Acting Warden' shall be deemed to be the 'Warden' as per Section 4.7.
- xl. "Weighted Vote" is a system of voting for Council Meetings in which the preference of some voters carry more weight than the preferences of other voters as stipulated in the Restructuring Proposal adopted by By-law 2538 passed on April 10, 1997.

3. **AUTHORITY**

The Act provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council until such time as they are amended or new rules adopted.

4. **GENERAL PROVISIONS**

- 4.1 Throughout this By-law, the words 'he' and 'his' shall, where applicable, be deemed to read 'she' and 'her'.
- 4.2 The Rules contained in this by-law shall be observed in all proceedings of the Council and shall be the Rules for the order and dispatch of business in the Council and in Committees, provided that the Rules contained herein may be suspended by a two-thirds (2/3) vote of all Members present.
- 4.3 Upon suspension, the new procedure to be followed shall be determined by a majority vote of the Members present.
- 4.4 Where a matter is not specifically provided for in this By-law, Robert's Rules of Order shall prevail as noted under 'Point of Order' in clause 10.12.
- 4.5 The Warden or other presiding officer may expel any person for improper conduct at a meeting.
- 4.6 Except as allowed or required by Section 239 of the Act, all Council and Committee meetings shall be open to the public.
- 4.7 Upon quorum of Members being present, the Warden shall take the chair

and call the meeting to order; but in the absence of the Warden or if the office is vacant or if he refuses to act, the Acting Warden, during such absence or vacancy or refusal to act, shall have the powers of the Warden.

- 4.8 Where a quorum is not present within 30 minutes after the hour fixed for a meeting of Council or Committee, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the next meeting.
- 4.9 Where a Councillor has stated any declaration of Pecuniary Interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee, at which the matter is the subject of consideration, the Councillor shall not vote on the Confirmatory By-law.
- 4.10 No meeting of Council is a properly constituted meeting unless the Clerk or designate is present.
- 4.11 In the case of inclement weather on the day set for a Council meeting, the meeting may be cancelled at the call of the Warden.
- 4.12 The Corporate Seal of this Council shall be in the custody of the Clerk and shall not be affixed or impressed upon any document or instrument except when authorized by this Council or by by-law.
- 4.13 Headings are inserted for ease of reference only and are not to be used as interpretation aids.

5. **MEETINGS**

5.1 Locations of meetings (Section 236 M.A.)

- i. All meetings of the Council shall normally take place in the Council Chambers at the County Court House, 1 Huron Street, Stratford.
- ii. Notwithstanding the foregoing, the Council may determine, at their discretion, other locations within the municipality or adjacent municipality from time to time for meetings as deemed necessary.
- iii. In the case of an emergency, it may hold its meetings and keep its public offices at any convenient location within or outside the municipality.
- iv. Schedule 'A' attached to this by-law lists facilities that are approved alternate locations for the purpose of emergency meetings.

5.2 Inaugural Meeting

- i. The Inaugural Meeting of the Council shall be held on the Wednesday prior to the first Thursday of December in each year at the hour of two o'clock in the afternoon unless otherwise changed by the County Council previous thereto.
- ii. In case of inclement weather, the Inaugural Meeting shall be held on the first suitable day following, at the same hour.
- iii. The Inaugural Meeting shall be chaired by the Clerk.

The order of business of the Inaugural Meeting shall be as follows:

- a) Roll Call.
- b) Chair of Past Warden's Association to introduce past Wardens.
- c) Verifying of Certificates of Election (only required in the year of a Municipal Election or for new Councillor)
- d) Oath of Office (only required in the year of a Municipal Election or for new Councillor)
- e) Oath of Allegiance (only required in the year of a Municipal Election or for new Councillor)
- f) Motion - Authorizing the Clerk to proceed with the election of the Warden by calling for declarations of candidates indicating their intent to stand for the office of Warden.
- g) Remarks of Candidates - with a time limit of five minutes.
- h) Election of Warden if two or more candidates by secret ballot in open Council
 - i. Council shall elect one of the Members to be Warden. Each Member of County Council shall have one vote^{(Sec 233 (4))}.
 - ii. The Clerk shall conduct the election of the Warden.
 - iii. A candidate for Warden who receives a majority of the total votes cast on any vote shall be declared elected.
 - iv. In the case of an equality of votes for Warden, the successful candidate shall be determined by the County Clerk placing the

names of the candidates on equal size pieces of paper in a box and one name being drawn by the Clerk in open Council. The successful candidate shall be the one whose name was drawn.

- v. Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be dropped off the next ballot and that the ballots would continue.
 - vi. In the case of a tie vote for low candidate where there are three or more candidates, then Council shall vote on these tied candidates, to determine which candidate shall remain in the voting for Warden.
 - vii. The returning officer and scrutinizers for the election shall be the Clerk and Deputy Clerk and shall be bound to secrecy regarding the number of votes received by the candidate.
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- i) Clerk to declare the person elected Warden and give direction regarding ballots.
 - j) Installation of Warden by Clerk who shall administer Oath of Office.
 - k) Immediate Past Warden to conduct the newly elected Warden to the dais, invest him or her with the Gavel, and the Chain of Office.
 - l) Warden's Remarks.
 - m) Greetings and comments
 - n) Motion to adjourn

5.3 First Regular Meeting

At the first Regular Meeting of County Council after the election of the Warden, County Council shall:

- i. Appoint Members to various Committees and boards as determined in Schedule 'B'. Appointment of Councillors to Committees and boards shall be for a term of one year.
- ii. Appoint non-members of Council to Committees and boards as determined in policy or Terms of Reference.

5.4 Regular Meeting

After the Inaugural Meeting, the Council shall meet in Regular Meeting on the first and third Thursday of each month in the year, excluding the months of July and August, when only one meeting each month shall be held. The Council meeting shall start at 9 a.m. and finish at 3 p.m. or sooner unless otherwise ordered by special motion of Council. Notwithstanding the foregoing, the Regular Meeting dates may be altered to accommodate Conferences that the Councillors attend.

The order of business of each day of Regular Meeting shall be as follows:

- a) Call to Order and Roll Call
- b) Opening Prayer
- c) Declarations of Pecuniary Interest and general nature thereof
- d) Additions to/deletions from Agenda/Adoption of Agenda
- e) Consent Agenda, including minutes of previous Meeting
- f) Public Meetings (if any)
- g) Delegations (if any)
- h) Committee of the Whole including consideration of Reports
- i) Correspondence requiring action including Board/Committee minutes
- j) Business arising from Committee of the Whole
- k) Notice of Motions
- l) New Business
- m) By-laws
- n) Closed Meeting (if any)
- o) Confirmatory By-law
- p) Adjournment

5.5 Special Meeting

- a) Whenever a meeting may be required for special business, it shall be called by the Warden at any such time as he may deem requisite. Or, at the request in writing of a majority of the Members of the Council, the Clerk shall summon the meeting as in Section 240 of the Act.
- b) No business may be transacted at a special meeting other than that specified in the Notice of Meeting.

5.6 Emergency Meeting

- a) In the opinion of the Emergency Control Group and/or the CAO, the holding of an Emergency Meeting is essential for the well being of the County.

- b) No business except business dealing with the emergency or extraordinary situation shall be transacted at the emergency meeting.
- c) A quorum is still required.
- d) Emergency meetings can only be closed for reasons stipulated in the Act.

5.7 Closed Meeting

- a) All meetings of Council shall be open to the public except as provided for in Section 239 (2), Section 239(3) and Section 239(3.1) of the Act.
 - i. The security of the property of the County
 - ii. Personal matters about an identifiable individual, including municipal or local board employees;
 - iii. A proposed or pending acquisition or disposal of land by the County;
 - iv. Employee negotiations or labour relations;
 - v. Litigation or potential litigation, including matters before administrative tribunals, affecting the County;
 - vi. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - vii. A matter in respect of which a Council, board, Committee or other body may hold a closed meeting under another Act;
 - viii. Relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the council , board, commission or other body is the head of the institution for the purposes of that Act;
 - ix. The meeting is held for the purpose of educating or training the Members and no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- b) Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution the fact of holding a closed meeting and the general nature of the matter to be considered at the closed meeting; or in the case of a meeting that is an educational or training meeting, the fact of holding a closed meeting, the general nature of its subject matter and that it is to be closed as an educational or training meeting.
- c) As provided in Section 239 (5), subject to Subsection (6), a meeting shall not be closed to the public during the taking of a vote except if it is for a procedural matter or for giving directions or instructions to officers,

employees or agents of the County or persons retained by or under contract with the County.

- d) When a closed meeting is necessary, it will be a requirement that the minutes shall be prepared without note or comment and shall be approved at the next closed meeting except minutes from Closed Meeting under Section 239 (3.1).
- e) Confidential copies of all documents and Reports shall be handed out to Councillors prior to the closed meeting.
- f) Confidential copies of all documents may be collected by the Clerk or designate at the end of the closed meeting.
- g) The Clerk shall be responsible for maintaining a confidential copy of all documents/Reports distributed, relating to Closed Meetings and for keeping confidential minutes of all Closed Meetings.
- h) It shall be the responsibility of Council and staff to respect the confidentiality of all matters disclosed to them and materials provided to them during closed meetings that are required to be kept confidential.

5.8 Committees

- a) Ad Hoc Committees may be established from time to time by Council to consider a specific matter. The Committee shall report directly to Council. Minutes of the Committee meetings shall be circulated to Council on a regular basis. When the Ad Hoc Committee has completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.
- b) Council may appoint representatives to serve on Local Boards, Advisory Committees or any other body to which Council is required or empowered to appoint a representative. Appointments to such boards/committees may be a Member of Council or may be a person appointed from amongst the general public.
- c) All Terms of Reference for Ad Hoc Committee and Committees of Council shall be approved by Council. Terms of Reference should state term of appointment, composition of committee, appointment of chair, secretary, etc.
- d) The Rules contained in this By-law, with necessary modifications, shall be observed in all proceedings of a Committee for the order and conduct of business therein.

- e) No Committee shall have weighted voting.

5.9 Committee of the Whole

- a) The Council shall establish and act as Committee of the Whole and meet immediately following any delegations held during Regular Meetings as outlined in 5.4. The Committee of the Whole shall hear the following:

Reports from the following departments:

- Planning and Development
- CAO
- Corporate Services
- Emergency Medical Services
- Public Works
- Financial Reports
- Minutes of Committees/Outside Boards.
- Correspondence

- b) The Committee of the Whole shall consider all operations and policies of the County and act in an advisory capacity and make recommendations to Council.
- c) The Chair of the Committee of the Whole shall be rotated to Councillors who put their name forward to Chair the meeting based on a schedule as determined by Council from time to time.
- d) All matters referred to the Committee of the Whole shall be considered and discussion may take place prior to any motion being placed on the floor.
- e) All recommendations of the Committee of the Whole shall be presented to the Council. Any Councillor shall have the right to remove any recommendation which shall be considered separately.
- f) Except as provided for in Section 233 (5) and 238 (5) of the Act, no vote shall be taken by ballot or by any other method of secret voting.

5.10 Committee of the Whole in Closed Meeting

- a) The Committee shall recess and go 'into Closed Meeting' to carry on debate whenever the situation qualifies for a closed discussion and only after a resolution has been passed stating the intended nature of the business to be discussed.
- b) The rules governing the procedure of a Closed Meeting and the conduct of Councillors in a Closed Meeting shall be as set out in Section 5.7 of this by-law.

6. **NOTICE OF MEETINGS** (Refer to Policy CL-4.01)

6.1 **Regular Meeting**

- a) The Council of the County of Perth shall give public notice of the annual meeting schedule of County Council by posting such on the County website (www.perthcounty.ca) as soon as Council has confirmed the schedule. In addition, this Regular Meeting schedule shall be circulated to the Lower Tiers for posting on public notice boards.
- b) The Agenda package shall be considered as notice Council Regular Meetings. The Clerk shall ensure that each Councillor has delivered to the address provided by the Councillor, an electronic copy of the Agenda package which includes the agenda and background information or notification that agenda package has been posted on the website. The Agenda package shall be delivered to Councillors by the Friday prior to the Regular Meeting. The Clerk shall also distribute a copy of the Agenda package to the Chief Administrative Officer and Department Heads. Only items that are time sensitive or emergency in nature may be added to the agenda once it has been forwarded to Councillors.
- c) Agendas for Council meetings shall be made available to the public and media on the Monday prior to the Regular Meeting. A copy of the Agenda Package is posted to the County of Perth website.

6.2 **Special Meeting**

- a) Subject to the provisions of the Act, Section 240, the Council may be summoned to a special meeting referred to in Clause 5.5 as the Warden determines appropriate. Notice of a special meeting called in accordance with this By-law shall be delivered to the Members of Council by means of personal delivery, facsimile transmission or electronic mail, to the address provided by the Members to the Clerk for delivery of Agendas and confirmation of receipt shall be received. The Notice of the Special Meeting shall be provided no later than 24 hours before the hour appointed for the holding of such special meeting. Where time is of the essence, notice may be given by telephone call to the Members of Council and the press. Confirmation of any notice must be received.
- b) For the purpose of public notice, notice shall be posted on the County website and public notice board in the County Court House.

6.3 Emergency Meeting

- a) Notwithstanding any other provision of this by-law, an emergency meeting may be held without advance notice being given, to deal with an emergency or extraordinary situation.
- b) Such emergency meeting shall be called by the Warden or in the absence of Warden, the Emergency Control Group and/or CAO.
- c) In such case, the Clerk (or designate) shall attempt to advise the Members of Council about the call of the emergency meeting as soon as possible and in the most expedient manner available.
- d) For the purpose of public notice, notice shall be posted on the County website and public notice board in the County Court House.

6.4 Committees of Council Meeting

- a) Notice of meeting indicating the date and time and agenda for Committees of Council meetings shall be posted on the County website seven (7) days prior to meeting.

7. **CALLING OF MEETINGS AND QUORUM**

- a) A meeting shall be called to order as soon after the hour fixed for holding of the meeting if a quorum is present.
- b) A majority of all Members of Council shall constitute a quorum and be necessary for the transaction of business.
- c) If a quorum is not present one-half (½) hour after the time appointed for the commencement of the meeting, the Clerk or his designate shall indicate that no quorum is present and record the names of those Members in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- d) Where the number of Members who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining Members are insufficient to constitute a quorum, the remaining Members shall be deemed to constitute a quorum, provided such number is not less than three (3).
- e) If during the course of a Council meeting, a quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-law.
- f) If Members are not going to be in attendance or are going to be late for a

meeting, they shall contact the office of the Clerk in advance of the meeting.

8. **ROLES & DUTIES**

8.1 Warden

- a) If a quorum is present, as soon after the hour fixed for a meeting of Council, the Warden shall call the meeting to order.
- b) The Warden shall preside over the Council meetings so that its business can be carried out efficiently and effectively, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting.
- c) The Warden may participate in discussion and debate without leaving the chair but if the Warden wishes to move or second a motion, or make an amendment to a motion, he must leave the chair until the matter is resolved.
- d) When the Warden is called upon to decide a point of order or procedure, the Warden shall state the rule or authority applicable to the case. If objection be taken by resolution to the ruling, the Warden shall submit it to a vote of Council without debate in the following words: "shall the ruling of the Chair be sustained?", and the decision of the Council shall be final.
- e) When two or more Members request to be recognized, the Warden shall name the Member who is first to be heard and the other or others shall have the privilege of speaking thereafter in the order named by the Warden.
- f) The Warden shall vote on all questions, except when disqualified to vote by reason of Pecuniary Interest or otherwise.
- g) It shall be the duty of the Warden:
 - i. to open the meeting of Council by taking the chair and calling the Members to order;
 - ii. to announce the business before the Council in the order of which it is to be acted upon;
 - iii. to receive and submit, in the proper manner, all motions presented, by the Members of Council;

- iv. to put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- v. to decline to put to vote motions which infringe the rules or procedure;
- vi. to authenticate, by signature, when necessary, all by-laws, resolutions and minutes of the Council;
- vii. to inform the Council, when necessary or when referred to for the purpose, a point of order or its usage;
- viii. to represent and support the Council, declaring its will and implicitly obeying its decisions in all things, to restrain the Members, when engaged in debate, within the rules of order;
- ix. to enforce on all occasions the observance of order and decorum among the Members;
- x. to call by name any Member persisting in breach of the rules of order of the Council thereby ordering the Member to vacate the Council Chambers;
- xi. where it is not possible to maintain order, the Warden may, without any motion being put, adjourn the meeting to a time to be named by the Warden.

8.2 Committee of the Whole Chair

It shall be the duty of the Committee of the Whole Chair:

- i. to receive and submit, in the proper manner, all motions presented, by the Members of Committee;
- ii. to put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- iii. to decline to put to vote motions which infringe the rules or procedure;
- iv. to restrain the Members, when engaged in debate, within the rules of order;

- v. to enforce on all occasions the observance of order and decorum among the Members;
- vi. to call by name any Member persisting in breach of the rules of order of the Committee thereby ordering the Member to vacate the Council Chambers;
- vii. to inform the Committee, when necessary or when referred to for the purpose, a point of order or its usage;
- viii. where it is not possible to maintain order, the Chairperson may, without any motion being put, adjourn the meeting and relinquish the Chair to the Warden to resume Council meeting; and
- ix. the chair shall vote on all questions.

8.3 Councillors

In addressing the Council:

- i. Councillors shall only speak when recognized by the Chair
- ii. Councillors shall only speak respectfully of Her Majesty the Queen or any of the Royal Family, or the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
- iii. Councillors shall not use indecent, offensive or insulting language in or against the Council or any Councillor, staff, public or any other person;
- iv. Councillors shall only speak to the question in debate;
- v. Councillors shall not debate any prior determination of the Council except to conclude such remarks with a motion to rescind or reconsider such determination;
- vi. Councillors shall not interrupt or disturb the Councillor who has the floor except to raise a point of order;
- vii. Councillors shall abide by the rules of Council, obey the decisions of the Council on questions of order or practice or upon the interpretations of the rules of order of the Council;

- viii. Councillors shall not be permitted to retake their seat at any meeting after being ordered by the Chair to vacate after committing a breach of any rule of order of the Council, without making apology and the consent of Council expressed by a majority vote of the other Councillors present determined without debate;
- ix. Councillors must occupy their chair while a vote is being taken and the results declared;
- x. Councillors may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking;
- xi. Every Councillor present shall vote when a question is put on the floor unless a Pecuniary Interest has been declared;
- xii. Councillors shall officially be addressed as Councillor and Warden as Warden.

8.4 Clerk

It is the duty of the Clerk to attend all meetings of Council, and

- i. To record without note or comment, all resolutions, decisions and other proceedings of the Council;
- ii. If required by Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- iii. To keep and record the original By-laws and all minutes of the proceedings of Council; and
- iv. To advise Council on parliamentary procedure.

9. **NOTICE OF MOTION**

Notice of Motion shall be submitted to the Clerk in writing or verbally prior to or during a Council meeting so that the matter may be included in a Council agenda.

A Notice of Motion does not require a seconder.

A Notice of Motion shall not be considered by the Council unless the mover of the motion is in attendance.

10. **ACTIONS OF COUNCIL**

All motions made in Council should be in writing with the names of the mover and seconder. A motion must be formally seconded before the question can be debated or put to a vote and recorded in the minutes.

10.1 **Motion to Withdraw**

After a motion is read, it shall be deemed to be in possession of the Council but may be withdrawn with the joint support of the mover and seconder at any time before the question is put to a vote.

10.2 **Friendly Amendment**

A friendly amendment is an amendment to a motion under debate that is perceived by all parties as an enhancement to the original motion. Friendly amendments may be permitted by the Head of Council after consent by the original mover and seconder of the motion, and then by all of Council.

10.3 **Motion to Amend**

No amendment shall be in direct conflict to the original motion and it shall be relevant to the main motion. Amendments shall be put to a vote in the reverse order to that in which they are moved.

10.4 **Motion to Table**

A motion to table (lay on the table) a particular matter removes the subject from consideration until Council votes to take it from the table. A matter can be tabled for a specific period of time or tabled indefinitely. A motion to take from the table is required to bring the matter back before Council for consideration. A motion to table shall not be open to debate or amendable.

10.5 **Motion to Defer**

A motion to defer is used to defer discussion for a certain period of time. A motion to defer shall be open for debate, however the debate must be limited to the proposed deferral only and the motion can be amended.

10.6 **Motion to Refer**

A motion to refer is used to give closer study to something requiring committee or staff to examine the matter under consideration in greater detail. The motion should include the name of Committee or official, etc to whom the matter is to be referred and instructions respecting the terms upon which the matter is being referred. A motion to refer shall be open for debate, however the debate must be limited to the proposed referral only and the motion can be amended.

10.7 Motion to Adjourn

A motion to adjourn a meeting requires a mover and seconder and shall be in order except:

- i. When a Member is in possession of the floor;
- ii. When a vote is being taken
- iii. When the adjournment was the last preceding motion

10.8 Motion to Reconsider

Despite a previous decision made at the same meeting, a Councillor may ask that a previous motion be reconsidered. To bring the original motion back to the table for reconsideration, a majority of Council is required. A Member who voted with the majority on the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the Head of Council or Presiding Officer shall determine that the motion to reconsider is being appropriately introduced. The motion requires a seconder and is debatable.

10.9 Motion to Rescind or Amend previously adopted motion

After a meeting is over, a Councillor may ask through 'Notice of Motion' that a previous motion be rescinded or amended. If no previous 'Notice of Motion' of an intent to make one of these motion is given, adoption of the motion requires a two-thirds vote.

10.10 Privileged Motion

Refer to Robert's Rules of Order

10.11 2/3 Vote Motion

The following motions requires two thirds majority:

- i. To suspend rules of procedural By-law except where such suspension may be contrary to the Act
- ii. To rescind previous motion if no advance notice was given
- iii. To limit or extend the limits of debate

10.12 Point of Order

Stating Point of Order brings attention to any breach of this By-law, or any defect in the constitution of any meeting of Council, or the use of improper, offensive or abusive language, or notice of the fact that the matter under discussion is not within the scope of the proposed motion, or notice of any other informality or irregularity in the proceedings of Council.

11. **DEBATE**

When a question is under debate, the Councillors shall maintain the following order - mover, seconder then other Councillors with mover having last opportunity to speak. Councillors shall be allowed to speak to the motion four (4) times with a maximum of 5 minutes each time.

No motion shall be received unless it be:

- i. A point of order
- ii. To refer it to Committee or staff
- iii. To amend it
- iv. To lay it on the table for an indefinite period of time
- v. To defer it to a certain date
- vi. A motion for adjournment

12. **VOTING**

12.1 Calling for the Vote

Immediately prior to calling for the vote on a motion, the presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question. After a vote on a motion or a motion as amended is called for, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared and should any Councillor express doubt, the Head of Council shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

12.2 Method of voting

No vote shall be taken by ballot or any other method of secret voting unless otherwise authorized by the Act.

12.3 Weighted Vote

All votes in Council shall be weighted as stipulated in the Restructuring Proposal adopted by By-law 2538 passed on April 10, 1997 and shall be as follows:

North Perth	3 representatives with 2 votes each
West Perth	2 representatives with 2 votes each
Perth East	3 representatives with 2 votes each
Perth South	2 representatives with 1 vote each

12.4 Vote in Committee of the Whole/Committee

Voting in Committee of the Whole or Committees is not weighted.

12.5 Requesting a Recorded Vote

Any Member of Council shall have the privilege of requesting a recorded vote on any question immediately before or after the taking of the vote as per Section 246 of the Act.

Having received a request for a recorded vote, the Clerk shall call the vote when the question is asked in a manner that provides for a random order, each Member responding 'yes' or 'no' and before announcing the vote, the Clerk shall, if requested, read the vote so taken.

12.6 Mandatory Vote

All Members of Council shall vote unless disqualified from voting by reason of a declared Pecuniary Interest.

12.7 No Vote deemed Negative

Notwithstanding clause 12.5, every Member of Council who is not disqualified from voting by reason of a declared Pecuniary Interest shall be deemed to be voting against the motion if he is present and declines or abstains from voting.

12.8 Tie Vote

When a vote is taken and a tie vote results, it is deemed to be defeated except where otherwise provided in any Act.

13. **BY-LAWS**

Every by-law, previous to its being adopted by Council, shall receive three readings.

Upon the final reading and passing of any by-law, the same shall be certified by the signatures of the Warden and Clerk and the seal of the Corporation.

14. **MINUTES**

The minutes of the Council shall consist of a record of the place, date and time of meeting, the name of the Presiding Officer, a record of all Members present, and the names of those absent. It shall be the duty of the Clerk at the close of each meeting to transcribe the proceedings of such meeting without note or comment in the minute book.

The minutes of Regular Meetings, Special or Emergency meetings shall be included on the Consent Agenda of the next Council meeting for consideration of any errors therein to be corrected, and the Warden and Clerk shall then sign such minutes in open Council.

The minutes of Closed Meetings shall be taken to the next Closed Meeting for approval except minutes from Closed Meeting under Sec 239 (3.1).

The minutes of committees of Council shall be added to the Council agenda under 'Correspondence requiring action including Board/Committee minutes'.

15. **DELEGATIONS**

Persons desiring to present verbally, information on matters of fact, or to make a request of Council, shall notify the Clerk in writing 7 days in advance of the meeting which they propose to attend, and may be heard by the Council. See Schedule 'C' attached to this by-law.

16. **DISTRIBUTION**

A copy of this By-law shall be provided to each County Councillor.

17. **BY-LAWS TO BE REPEALED**

With the passing of this By-law, By-laws 2970, 2995, 3049 and 3115 shall be repealed.

18. **VALIDITY AND SEVERABILITY**

If any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, the same will not affect the validity or enforceability of any other provision of this By-law or of the By-law as a whole.

19. **EFFECTIVE DATE**

This By-law shall come into force and effect on the third and final reading.

Read the first and second time this 21st day of January, 2010

Read a third and final time this 21st of January, 2010

"Julie Behrns"

Warden Julie Behrns

"R. William Arthur"

R. William Arthur, Clerk

**SCHEDULE 'A' to Bylaw 3174-2010
PERTH COUNTY PROCEDURAL BYLAW**

ALTERNATE MEETING LOCATIONS

Under Section 5.1 iv of the County Procedural Bylaw, the following facilities are approved locations for the purpose of holding emergency meetings:

1. County of Perth Court House, 1 Huron St., Stratford
2. Township of Perth East Municipal Office, 25 Mill Street, Milverton
3. Municipality of North Perth Municipal Office, 330 Wallace Ave N, Listowel
4. Municipality of West Perth Municipal Office, 169 St. David Street, Mitchell
5. Township of Perth South Municipal Office, 3191 Road 122, St. Pauls

Memorandum of Understanding to be signed by each

SCHEDULE 'B'
TO COUNTY OF PERTH PROCEDUAL BYLAW 3174-2010

Section 5.3

APPOINTMENTS OF BOARDS AND COMMITTEES

1. Councillor appointments to outside Boards and Committees

- a) Spruce Lodge Board of Management
 - Warden or delegate plus one other Councillor
- b) Perth District Health Unit Board
 - Warden or delegate plus two other Councillors
- c) Stratford-Perth Museum Board
 - One Councillor
- d) Perth County Joint Accessibility Committee
 - One Councillor
- e) Municipal Liaison Committee
 - Warden plus two Councillors
- f) Any other committee that the County from time to time may agree to have a member of County Council sit on.

2. Councillor appointments to inside Committees

The Clerk shall maintain information and Terms of Reference for all Committees.

- a) Facilities Review Committee
 - 3 Councillors plus Warden, preferably representing each lower tier
- b) Human Resources Committee
 - Not fewer than 3 Councillors plus Warden
- c) Economic Development Committee
 - One elected Official from each Perth County member municipalities who is a member of County Council plus the Warden

- d) Perth County Joint Accessibility Committee
 - One Councillor

- e) Emergency Management Committee
 - Warden

- f) Any other committee that the County from time to time may agree to have a member of County Council sit on.

3. **Non-Councillor appointments to Boards and Committees**

The Clerk shall maintain information and Terms of Reference for all Committees.

- a) Perth County Land Division Committee
 - Five members of public concurrent with term of Council with a maximum of two consecutive term appointments commencing with the December 2006 appointment

- b) Spruce Lodge Non Profit Housing Corporation
 - One member of public concurrent with term of Council

- c) Perth County Joint Accessibility Committee
 - Six members of public concurrent with term of Council

- d) Perth County Agricultural Review Committee
 - Appointed as per approved Terms of Reference

- e) Any other committee that the County from time to time may agree to have a represented appointed.

SCHEDULE 'C'
TO COUNTY OF PERTH PROCEDUAL BYLAW 3174-2010

Section C

Delegations to County Council

Forum for Delegations by the public

All delegations shall take place at a Regular Meeting, special Council Planning Session or Committee meeting. The Clerk/Deputy Clerk, in consultation with the CAO shall have the authority to determine the meeting at which a deputation will be scheduled, having regard to time sensitive issues.

Subject Matter

The subject matter of delegations must be a matter within or of interest to the municipal jurisdiction. The Clerk/Deputy Clerk, in consultation with the CAO shall have the discretionary authority to determine whether the subject matter is appropriate and to approve/deny a request based on the same. Where a delegation does not correspond to the description on the delegation request the Warden/Chair may terminate the deputation immediately.

Council, through the Clerk/Deputy Clerk, reserves the right to deny a delegation request where the nature of the delegation includes matters within Section 239 of the Municipal Act or matters covered by the Municipal Freedom of Information and Protection of Privacy Act.

Limitation on numbers of Delegations

Any person/organization shall be limited to two (2) delegations in a calendar year on the same subject matter.

Request to appear as a Delegation

Persons desiring to present information on any matters, or make a request of the Council or a Committee, are required to give written notice to the Clerk's Office seven (7) days prior to a Council or Committee meeting. Such notice shall state the purpose of the delegation and provide a detailed specific outline of the subject matter of the delegation. Persons that do not provide a detailed specific outline of the subject matter will not be listed on the agenda. The Clerk/Deputy Clerk shall have the discretionary authority to determine whether sufficient detail has been provided and to approve/deny a request based on the same.

Material to be distributed to Council or Committee must be received 7 days prior to the meeting in order to be included in the Agenda package.

Except as provided for within the content of this By-law, or as may be permissible under the authority of other legislation, a person who is not a member of Council shall not be allowed to address Council or a Committee except upon the approval of the Warden/Chair.

Time Limits

Delegations shall be limited in speaking to not more than ten (10) minutes, except that a delegation consisting of more than two (2) persons shall be limited to two (2) speakers (at the discretion of the Clerk/Deputy Clerk), each limited to speaking not more than ten (10) minutes. Council or a Committee may ask questions, or seek additional information from the speaker beyond the ten (10) minute time limit.

Process during Meeting

Council or a Committee may not respond to a delegation during the meeting at which it occurs. Members of Council or a Committee may seek clarification from the speaker, but will not enter into a debate or discussion on the subject matter of the deputation.